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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,055	01/14/2004	Kevin E. Spaulding	87433RLO	4831
7590 Pamela R. Crocker Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			EXAMINER SHIKHMAN, MAX	
			ART UNIT 2624	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/757,055	Applicant(s) SPAULDING ET AL.	
	Examiner Max Shikhman	Art Unit 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/30/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicants' response to the last Office Action, filed 10/05/2007 has been entered and made of record.

### *Remarks*

2. Applicant's arguments with respect to claims 1, 16 have been fully considered, but they are not persuasive.

a. Applicant argues, "the image adjustments that are made in Gruzdev are not a function of the identified input color space. ...the gamut of the input color space would not affect the color adjustment transform that Gruzdev applies to the image in the reference color space in response to the user-specified adjustment."

However, in response to applicant's argument, Examiner would like to point out the following paragraph mentioned in the office action, [0043] "extrapolate a replacing color on the basis of these two colors. ... such an extrapolation may take several forms, in particular to adjust to the fact that colors in the reference color space may not lie within the gamut of possible colors represented by the original color space of the image data." The "replacing"—image enhancement algorithm—is in response to the original color space.

b. Applicant argues, "...there is no suggestion of using an automatic image enhancement algorithm. There would be no purpose to combine an automatic algorithm (such as the algorithm disclosed by Higgins) into the structure of Gruzdev."

However, in response to applicant's argument, Examiner would like to point out that the word "auto—" is absent from applicant's spec completely. Nowhere does the applicant's spec imply automatic enhancement algorithm; Applicant mentions "automatic" only in the Claims.

Also, automation is suggested in Gruzdev's [0043] "allowing a small change". Examiner believes that it is desirable to implement image enhancement automatically to reduce error, cost, etc... People would definitely try to automate Gruzdev's algorithm.

Therefore, the rejection of claim language based on Gruzdev is good and should be sustained.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims **1-4, 6-19 and 21-27** rejected under 35 U.S.C. 103(a) as being unpatentable over Gruzdev (PGPUB-DOCUMENT-NUMBER: 20030002095) in view of Higgins US-PAT-NO: 5835627, "System and method for automatically optimizing image quality and processing time".

**() Regarding Claims 1,16:**

A method for applying an image enhancement algorithm to input digital images represented in different input color spaces comprising:

*a) identifying the input color space of an input digital image;*

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([0020] on Page 3, "taking an image with colors represented within a color system or color space; defining a color or range of colors in an image that is to be modified.")

*b) applying a color space transformation to the input digital image represented in the input color space to form a corresponding input digital image in a reference color space;*

([0020] "converting a representation of this color to a color space."

[0042] "convert the target replacement color specification into a reference color space."

[0043] "source color defined in the same reference color space.")

*c) adjusting one or more algorithm parameters of the image enhancement algorithm in response to the identified input color space; and*

([0043] "adjust to the fact that colors in the reference color space may not lie within the gamut of possible colors represented by the original color space"

[0020] "converting a representation of this color to a color space." "replacing the hue ... of this color with a hue selected from a specified target color." Gruzdev is converting a specific color range and is modifying specific colors. So, when converting from sRGB to reference color space, colors outside of sRGB in reference color space are ignored.)

Gruzdev only discloses *applying* (replacing) *image enhancement algorithm using the one or more adjusted algorithm parameters* ([0020] "replacing...this color". [0043]

"adjust") *to the corresponding input digital image in the reference color space to produce an enhanced digital image in the reference color space.*

[[0020] "replacing the hue and, optionally the saturation or lightness or both of this color with a hue (and as desired, the saturation and lightness) selected from a specified target color." He also discloses a program in [0038].

[0043] "adjust to the fact that colors in the reference color space may not lie within the gamut of possible colors represented by the original color space")

Gruzdev discloses everything as described above except, *automatically applying the automatic image enhancement algorithm without user intervention.*

Higgins discloses Col12 line 46, "automatic enhancement of images provided by a wide variety of types of image data" for an image processing system.

It is desirable to implement image enhancement automatically to reduce error, decrease "processing time", efficiency, automation, ease of use, efficient utilization of human resources, (Abstract) customer satisfaction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Higgins' method, automatic image enhancement, in Gruzdev, to increase ease of use and customer satisfaction. Gruzdev's [0038] program can be programmed to do automatic image enhancement.

**() Regarding Claim 2:**

*The method according to claim 1 wherein the reference color space is an extended color gamut color space.*

([0042] "every color in the original image may be converted to the reference color space."

[0043] "adjust to the fact that colors in the reference color space may not lie within the gamut of possible colors represented by the original color space"))

**() Regarding Claim 3:**

*The method according to claim 1 wherein the input color space is a limited color gamut color space.*

([0020] "taking an image with colors represented within a color system or color space, for instance, in the RGB color space; defining a color or range of colors in an image that is to be modified;")

**() Regarding Claim 4:**

*The method according to claim 1 wherein the reference color space represents an estimate of the colors in an original scene.*

([0041] "A fourth method of defining the target replacement color is to select it from another image." "A fifth method of defining the target replacement color is to select it from the image being modified."

[0042] "convert the target replacement color specification into a reference color space.")



**() Regarding Claim 6:**

*The method according to claim 4 wherein the input color space is a video RGB color space,*

(Video RGB is inherent. [0020] "taking an image with colors represented within a color system or color space, for instance, in the RGB color space; defining a color or range of colors in an image that is to be modified;")

*and wherein the color space transformation is substantially an inverse of a color adjustment function used to map original scene colors to corresponding colors appropriate for display on a video display.*

([0020] "converting a representation of this color to a color space."

"a look-up table in the original color space to convert the specific colors of the image.")

**() Regarding Claim 7:**

*The method according to claim 6 wherein the inverse color adjustment function produces corresponding input digital images in the reference color space having reduced highlight color saturation for highlight color values compared with corresponding original scene colors.*

([0020] "replacing the hue and, optionally the saturation or lightness or both of this color with a hue (and as desired, the saturation and lightness) selected from a specified target color to form a replacement color; converting the replacement color (as measured

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in the second color space format, e.g., hue, saturation and lightness) to the original color space format.”)

**() Regarding Claim 8:**

*The method according to claim 1 further including the step of applying an output color space transformation to the output digital image in the reference color space to form a corresponding output digital image in an output color space.*

[[0020] “converting the replacement color (as measured in the second color space format, e.g., hue, saturation and lightness) to the original color space format.”)

**() Regarding Claim 9:**

*The method according to claim 8 wherein the output color space is the same as the input color space.*

[[0020] “converting the replacement color (as measured in the second color space format, e.g., hue, saturation and lightness) to the original color space format.”)

**() Regarding Claim 10:**

*The method according to claim 1 wherein the automatic image enhancement algorithm is an adaptive tone scale enhancement algorithm.*

(ABSTRACT: The color correction device may include a means for creating a tone reproduction curve based on conceptually moving one or other limit of a range of image

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color values in order to provide a tone reproduction curve with improved rendering of the color correction.

[0021] "FIG. 1 shows a series of tone reproduction curves before and after adjustment"

[0037] "A method is used to provide a tone reproduction curve..."

[0038] "...the program creates a monotonic tone reproduction curve..."

[0039] "The monotonic tone reproduction curve..."

Once the curve is set, tone enhancement is automatic.)

**() Regarding Claim 11:**

*The method according to claim 1 wherein the automatic image enhancement algorithm is a color enhancement algorithm.*

(ABSTRACT: "color correction device... improved rendering of the color."

[0011] "a means of correcting a specific color or specific range of colors in an image." [0011]-[0014].

Color is enhanced automatically, as in Photoshop. This is described further in Claim 1.)

**() Regarding Claim 12:**

*The method according to claim 1 wherein the automatic image enhancement algorithm is a noise reduction algorithm.*

[[0040] "this reduces the effect of image noise on the definition of the source color."

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[0014] modifying specific dark or light colors, or specific ranges of such colors in an image without introducing unpleasant artifacts in the remaining colors of the image or loss of image detail.

Noise reduction is automatic, as in Photoshop.)

**() Regarding Claim 13:**

*The method according to claim 1 wherein the automatic image enhancement algorithm is a sharpening algorithm.*

(Sharpening is inherent. ABSTRACT: "improved rendering of the color correction."

[0004] "range of colors is rendered correctly."

[0011] "correcting a specific color or specific range of colors in an image wherein remaining colors (e.g., colors and/or ranges of colors outside the scope of the specific color and/or specific range selected) are modified to a degree smaller than the change in the color or color range being corrected."

[0014] "modifying specific dark or light colors, or specific ranges of such colors in an image without introducing unpleasant artifacts in the remaining colors of the image or loss of image detail.")

**() Regarding Claim 14:**

*The method according to claim 1 wherein a sequence of automatic image enhancement algorithms are applied to the corresponding input digital image in the reference color space.*

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([0020] "permitting a definition of hue, lightness and saturation (or their equivalents) if the current color space does not permit this; computing the hue, saturation and lightness of the color in this color space; replacing the hue and, optionally the saturation or lightness or both of this color with a hue (and as desired, the saturation and lightness) selected from a specified target color to form a replacement color; converting the replacement color (as measured in the second color space format, e.g., hue, saturation and lightness.")

**() Regarding Claim 15:**

*15. (Currently amended) The method according to claim 1 wherein the one or more algorithm parameters control whether or not a component of the automatic image enhancement algorithm is applied.*

([0011] "a means of correcting a specific color or specific range of colors in an image."

[0018] "system for modifying a specific color or specific range of colors in an image by providing the operator with a means to prepare and retain a set of replacement colors.")

**() Regarding Claim 17:**

*The method according to claim 16 where the reference color space is an extended color gamut color space.*

([0042] "every color in the original image may be converted to the reference color space.")

**() Regarding Claim 18:**

*The method according to claim 16 where the input color space is a limited color gamut color space.*

([0020] "taking an image with colors represented within a color system or color space, for instance, in the RGB color space; defining a color or range of colors in an image that is to be modified;")

**() Regarding Claim 19:**

*The method according to claim 16 where the reference color space represents an estimate of the colors in an original scene.*

([0041] "A fourth method of defining the target replacement color is to select it from another image." "A fifth method of defining the target replacement color is to select it from the image being modified.")

[0042] "convert the target replacement color specification into a reference color space.")

**() Regarding Claim 21:**

*The method according to claim 19 where the input color space is a video RGB color space,*

(Video RGB is inherent. [0020] "taking an image with colors represented within a color system or color space, for instance, in the RGB color space; defining a color or range of colors in an image that is to be modified;")

*and wherein the color space transformation is substantially an inverse of a color adjustment function used to map original scene colors to corresponding colors appropriate for display on a video display.*

[[0020] "converting a representation of this color to a color space."

"a look-up table in the original color space to convert the specific colors of the image.")

**() Regarding Claim 22:**

*The method according to claim 21 where the inverse color adjustment function produces corresponding input digital images in the reference color space having reduced highlight color saturation for highlight color values compared with corresponding original scene colors.*

[[0020] "replacing the hue and, optionally the saturation or lightness or both of this color with a hue (and as desired, the saturation and lightness) selected from a specified target color to form a replacement color; converting the replacement color (as measured in the second color space format, e.g., hue, saturation and lightness) to the original color space format.")

**() Regarding Claim 23:**

*The method according to claim 16 further including the step of applying an output color space transformation to the output digital image in the reference color space to form a corresponding output digital image in an output color space.*

([0020] "converting the replacement color (as measured in the second color space format, e.g., hue, saturation and lightness) to the original color space format.")

**() Regarding Claim 24:**

*The method according to claim 16 wherein the selected version of the automatic image enhancement algorithm is an adaptive tone scale enhancement algorithm.*

(ABSTRACT: The color correction device may include a means for creating a tone reproduction curve based on conceptually moving one or other limit of a range of image color values in order to provide a tone reproduction curve with improved rendering of the color correction.

[0021] "FIG. 1 shows a series of tone reproduction curves before and after adjustment")

**() Regarding Claim 25:**

*The method according to claim 16 wherein the selected version of the automatic image enhancement algorithm is a color enhancement algorithm.*

(ABSTRACT: "color correction device... improved rendering of the color."

[0011] "a means of correcting a specific color or specific range of colors in an image."

[0011]-[0014].)

**() Regarding Claim 26:**

*The method according to claim 16 wherein the selected version of the automatic image enhancement algorithm is a noise reduction algorithm.*

([0040] "this reduces the effect of image noise on the definition of the source color."



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[0014] modifying specific dark or light colors, or specific ranges of such colors in an image without introducing unpleasant artifacts in the remaining colors of the image or loss of image detail.)

**() Regarding Claim 27:**

*The method according to claim 16 wherein the selected version of the automatic image enhancement algorithm is a sharpening algorithm.*

(Sharpening is inherent. ABSTRACT: "improved rendering of the color correction."

[0004] "range of colors is rendered correctly."

[0011] "correcting a specific color or specific range of colors in an image wherein remaining colors (e.g., colors and/or ranges of colors outside the scope of the specific color and/or specific range selected) are modified to a degree smaller than the change in the color or color range being corrected."

[0014] "modifying specific dark or light colors, or specific ranges of such colors in an image without introducing unpleasant artifacts in the remaining colors of the image or loss of image detail.")

5. **Claims 5 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruzdev (PGPUB-DOCUMENT-NUMBER: 20030002095) in view of Higgins US-PAT-NO: 5835627, "System and method for automatically optimizing image quality and processing time" and further in view of Capitant (US-PAT-NO: 5321500).

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Gruzdev discloses *input color space represents the colors of a photographic negative.*

([0020] on Page 3, "taking an image with colors represented within a color system or color space; defining a color or range of colors in an image that is to be modified.")

Gruzdev also discloses, [0020] "constructing a look-up table in the original color space to convert the specific colors of the image". However, Gruzdev and Higgins do not

disclose: the color space transformation is an inverse film sensitometry transformation.

Capitant discloses color space transformation is an inverse film sensitometry

transformation. (Column 7, lines 50-55, "film transform section includes logarithm look-up tables 90, 92, and 94, masking matrix 96, parameter registers 112, and reverse sensitometry and linearizing look-up tables 98, 101, and 103."

Column 8, line 23-25, "reverse sensitometry.")

As Capitant says in Column 7, lines 36-45, and shows in Figure 6, it may be desirable to

"perform a limited type of color transformation, namely the transformation of the colors of the digitized images generated by camera processor 12 (as a result of scanning

motion picture film) into colors that would have been generated if the subject had been imaged directly by a video camera (i.e., without intermediate filming and film scanning

steps)." Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to include the method of Capitant, which involves reverse sensitometry, into a combined method of Gruzdev and Higgins, to digitally color correct

the digitized images from motion picture film (Capitant's column 1, "FIELD OF THE INVENTION"). Capitant's look up tables can be incorporated into Gruzdev's look up tables.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Benz (US 20020067518 A1) discloses, "Process and apparatus for the manufacture of a digital color picture."

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max Shikhman whose telephone number is (571) 270-1669. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JINGGE WU can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Max Shikhman

11/28/2007

  
JINGGE WU  
SUPERVISORY PATENT EXAMINER